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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/539,724 | 03/02/2006 | Martin Weston | P-8024-US | 4990 |
| 49443 7590 05/21/2010 Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036 | | | | |
| EXAMINER | | | | |
| TRAN, TRANG U | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2622 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 05/21/2010 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,724

Applicant(s)

WESTON, MARTIN

Examiner

Trang U. Tran

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005 and 16 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 6-23 and 26-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 24, 25 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-6, 24-25 and 29 in the reply filed on April 16, 2010 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). However, it appears that claim 6 doesn't fall into the elected group because it is directed to subject matter of Fig. 6 (group II). Accordingly, claim 6 has been withdrawn because it falls into different group (group II).
2. Claims 6-23 and 26-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 16, 2010.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-5 and 29 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent¹ and recent Federal Circuit decisions² indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

² *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor positively ties to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. For example the method for processing an information including steps of receiving, comparing and varying is of sufficient breadth that it would be reasonably interpreted as a series of steps completely performed mentally, verbally or without a machine. **The Applicant has provided no explicit and deliberate definitions of "receiving", "comparing", or "varying" to limit the steps of processing the information with a machine. *In re Bilski*.** These steps of claims 1-5 and 29 are performed without a machine.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-5, 24-25 and 29 are rejected under 35 U.S.C. 102(a) as being anticipate by the admitted Prior Art (Figs. 1-2, pages 4-6 of the Specification).

In considering claim 1, the admitted Prior Art (Figs. 1-2, pages 4-6 of the Specification) discloses all the claimed subject matter, note 1) the claimed receiving a set of first frequency components of the signal is met by the set of the vertical spatial frequency components of the three-dimensional block FFT 2-4 (Fig. 1, page 4, lines 12-

29), 2) the claimed receiving a set of second frequency components of the signal, each second component having a frequency difference from the color subcarrier equal and opposite to the frequency difference from the color subcarrier of the associated first frequency component is met by the set of the horizontal spatial frequency components or temporal frequency components of the three-dimensional block FFT 2-4 (Fig. 1, page 4, line 12 to page 5, line 15), 3) the claimed comparing each of said first frequency components with the respective second frequency component is met by the comparator 8 (Fig. 1, page 4, line 27 to page 5, line 32), and 4) the claimed varying respective comparisons in dependence upon the frequency of the first frequency component is met by the multiplier 9 (Fig. 1, page 5, line 3 to page 6, line 4).

In considering claim 2, the claimed in which the comparisons differ in dependence upon the horizontal spatial frequency of the first frequency component is met by the set of the horizontal spatial frequency components of the three-dimensional block FFT 2-4 (Fig. 1, page 4, line 27 to page 5, line 32).

In considering claim 3, the claimed in which the comparisons differ in dependence upon the vertical spatial frequency of the first frequency component is met by the set of the vertical spatial frequency components of the three-dimensional block FFT 2-4 (Fig. 1, page 4, line 27 to page 5, line 32).

In considering claim 4, the claimed in which the comparisons differ in dependence upon the temporal frequency of the first frequency component is met by the set of the temporal frequency components of the three-dimensional block FFT 2-4 (Fig. 1, page 4, line 27 to page 5, line 32).

In considering claim 5, the claimed in which the comparisons differ in dependence upon horizontal, vertical or temporal differences of the composite television signal is met by the three-dimensional block FFT 2-4 (Fig. 1, page 4, line 27 to page 5, line 32).

In considering claim 24, the admitted Prior Art (Figs. 1-2, pages 4-6 of the Specification) discloses all the claimed subject matter, note 1) the claimed identifying an upper chrominance sideband and correcting its amplitude by making it equal to the amplitude of the corresponding lower chrominance sideband so as to correct distortion of the color television signal is met by the three-dimensional block FFT 2-5, the comparator 8 and the multiplier 9 (Fig. 1, page 4, line 12 to page 5, line 32).

In considering claim 25, the claimed in which the corresponding lower sideband is identified in terms of its horizontal spatial, vertical spatial and temporal frequency is met by the three-dimensional block FFT 2-4 (Fig. 1, page 4, line 12 to page 5, line 32).

In considering claim 29, the claimed wherein the signal is sampled at an integer multiple of the line frequency is met by the four times its color subcarrier frequency (4fsc) (Fig. 1, page 4, lines 12-16).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Demmer (US Patent No. 5,621,477) discloses digital decoder and method for decoding composite video signals.

Lagoni (US Patent No. 5,298,982) discloses television receiver with switchable chrominance signal filter.

Sendelweck et al. (US Patent No. 5,107,341) disclose color television apparatus with picture-in-picture processing and with variable chrominance signal filtering.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 9:00 AM - 6:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 17, 2010

/Trang U. Tran/
Primary Examiner, Art Unit 2622

